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Tarrant County Texas

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7 Pages

*Suzanne Henderson*After recording, return to:

DDJET Limited LLP      Suzanne Henderson  
c/o Harding Energy Partners  
13465 Midway Road, Suite 400  
Dallas, TX 75244

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**AMENDMENT TO OIL AND GAS LEASE  
AND  
MEMORANDUM OF OIL AND GAS LEASE  
(To Amend Legal Description)**

Lessor:      City of Keller  
P.O. Box 770  
Keller, Texas 76248

Original Lessee:      Harding Company  
13465 Midway Road, Suite 400  
Dallas, TX 75244

Current Lessee:      DDJET Limited LLP  
c/o Harding Energy Partners  
13465 Midway Road, Suite 400  
Dallas, TX 75244

THE STATE OF TEXAS      §  
                                §      KNOWN ALL MEN BY THESE PRESENTS:  
COUNTY OF TARRANT      §

WHEREAS, on April 17, 2007 ("Effective Date"), City of Keller, as Lessor, executed and delivered to Harding Company ("Original Lessee"), an Oil and Gas Lease (the "Lease"), a Memorandum of which is recorded in Instrument No. D207333055 and re-recorded in Instrument No. D208362583 of the Official Records of Tarrant County, Texas. The Lands described on the Exhibit "A" of said Lease and the respective Memorandum were as follows:

126.171 acres, more or less, Tarrant County, Texas, described as the following four (4) tracts of land, to-wit:

Tract 1:      5.00 acres of land, more or less, situated in the W.H. Slaughter Survey, A-1431, and being further described in that certain Warranty Deed dated January 21, 1990, from Rheba Brown LaFrance and Ivan F. LaFrance to City of Keller, recorded in Volume 9832, Page 154 of the Official Records of Tarrant County, Texas.

Tract 2: 7.587 acres of land, more or less, situated in the P. Allen Survey, A-28, and being all of Lot 1, Block 1, Public Safety Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume A, Page 573 of the Official Records of Tarrant County, Texas, and being a portion of Lot 1-R, Block D, Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas

Tract 3: 110.117 acres of land, more or less, situated in the P. Allen Survey, A-28, the J. Dunham Survey, A-424, and the W.H. Slaughter Survey, A-1431, and being a portion of the 121.17 acre plat - Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas;

SAVE AND EXCEPT 7.587 acres of land, more or less, situated in the P. Allen Survey, A-28, and being all of Lot 1, Block 1, Public Safety Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume A, Page 573 of the Official Records of Tarrant County, Texas, and being a portion of Lot 1-R, Block D, Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas

SAVE AND EXCEPT 2.45 acres of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated April 10, 1990 from Robert R. Black to City of Keller, recorded in Volume 9902, Page 105 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 1.5538 acres of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated June 29, 1990 from Melvin Ottinger and wife, Amy Ottinger to the City of Keller, recorded in Volume 9993, Page 1380 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 0.445 acre(s) of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated October 31, 1990 from James Dudley Eiler and Margaret Louise Eiler to the City of Keller, recorded in Volume 10092, Page 368 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 0.672 acre(s) of land, more or less, situated in the J. Dunham Survey, A-424, being further described in that certain Warranty Deed for Right-of-Way dated September 16, 1992 from Charles J. Ramsey, Trustee, to the City of Keller, recorded in Volume 10809, Page 139 of the Official Records of Tarrant County, Texas.

Tract 4: 3.467 acres of land, more or less, situated in the J. Dunham Survey, A-424, and being all of Lot 1, Block 8, Shadowbrook Place Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume 388-187, Page 4 of the Plat Records of Tarrant County, and being further described in that certain Warranty Deed with Vendor's Lien dated July 7, 1985, from Amen Group IV Partnership to City of Keller, recorded in Volume 8207, Page 1848 of the Official Records of Tarrant County, Texas.

WHEREAS, the Lease is currently owned by DDJET Limited LLP, whose address is c/o Harding Energy Partners, 13465 Midway Road, Suite 400, Dallas, TX 75244 ("Current Lessee"), and

WHEREAS, Lessor and Current Lessee, desire to amend the legal description (the "Amended Lands") of both said Lease, and the respective Memorandum, to read as follows:

**131.0275 acres**, more or less, Tarrant County, Texas, described as the following **eight (8) tracts** of land, to-wit:

Tract 1: **5.00 acres of land**, more or less, situated in the W.H. Slaughter Survey, A-1431, and being further described in that certain Warranty Deed dated January 21, 100, from Rheba Brown LaFrance and Ivan F. LaFrance to City of Keller, recorded in Volume 9832, Page 154 of the Official Records of Tarrant County, Texas.

Tract 2: **7.587 acres of land**, more or less, situated in the P. Allen Survey, A-28, and being all of Lot 1, Block 1, Public Safety Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume A, Page 573 of the Official Records of Tarrant County, Texas, and being a portion of Lot 1-R, Block D, Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas

Tract 3: **110.117 acres of land**, more or less, situated in the P. Allen Survey, A-28, the J. Dunham Survey, A-424, and the W.H. Slaughter Survey, A-1431, and being a portion of the 121.17 acre plat - Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas;

SAVE AND EXCEPT 7.587 acres of land, more or less, situated in the P. Allen Survey, A-28, and being all of Lot 1, Block 1, Public Safety Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume A, Page 573 of the Official Records of Tarrant County, Texas, and being a portion of Lot 1-R, Block D, Keller Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat thereof recorded in Volume A, Page 7134 of the Official Records of Tarrant County, Texas;

SAVE AND EXCEPT 2.45 acres of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated April 10, 1990 from Robert R. Black to City of Keller, recorded in Volume 9902, Page 105 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 1.5538 acres of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated June 29, 1990 from Melvin Ottinger and wife, Amy Ottinger to the City of Keller, recorded in Volume 9993, Page 1380 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 0.445 acre(s) of land, more or less, situated in the P. Allen Survey, A-28, being further described in that certain Warranty Deed for Right-of-Way dated October 31, 1990 from James Dudley Eller and Margaret Louise Eller to the City of Keller, recorded in Volume 10092, Page 868 of the Official Records of Tarrant County, Texas.

SAVE AND EXCEPT 0.672 acre(s) of land, more or less, situated in the J. Dunham Survey, A-424, being further described in that certain Warranty Deed for Right-of-Way dated September 16, 1992 from Charles J. Ramsey, Trustee, to the City of Keller, recorded in Volume 10809, Page 139 of the Official Records of Tarrant County, Texas.

Tract 4: **3.467 acres of land**, more or less, situated in the J. Dunham Survey, A-424, and being all of Lot 1, Block 8, Shadowbrook Place Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Volume 388-187, Page 4 of the Plat Records of Tarrant County, and being further described in that certain Warranty Deed with Vendor's Lien dated July 7, 1985, from Amen Group IV Partnership to City of Keller, recorded in Volume 8207, Page 1848 of the Official Records of Tarrant County, Texas.

Tract 5: **0.7905 acres**, more or less, situated in the William Slaughter Survey, Abstract No. 1431, known as Lot 1, Block 4, Bear Run Estates, an Addition to the City of Keller, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 224, of the Plat Records of Tarrant County, Texas, and being further described in that certain Warranty Deed for Right-of-Way dated September 14, 1991, from Robert Obenoskey, Vice-President, to the City of Keller, recorded in Volume 10198, Page 1421 of the Official Records of Tarrant County, Texas.

Tract 6: **0.2820 acres**, more or less, situated in the Joseph A. Dunham Survey, Abstract No. 424, known as Lot 19, Block C, Villas at Town Center, an Addition to the City of Keller, Tarrant County, Texas, according to the plat thereof recorded in Cabinet A, Slide 5921, of the Plat Records of Tarrant County, Texas, and being further described as Parcel 98A in that certain Warranty Deed dated August 18, 2004, from Villas at Town Center Homeowners Association to the City of Keller,

recorded in Instrument #D204257807 of the Official Records of Tarrant County, Texas.

Tract 7: **2.086** acres of land, more or less, situated in the D.E. Morris Survey, A-993, and being all of Lot 1, Block A, Keller Public Use Addition, an Addition to the City of Keller, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 3335 of the Official Records of Tarrant County, Texas.

Tract 8: **1.60** acres of land, more or less, situated in the D.E. Morris Survey, A-993, and being described in that certain Special Warranty Deed dated May 3, 2006, from Hidden Lakes Partners, LTD., a Texas Limited Partnership to the City of Keller, recorded in Instrument #D206136395 of the Official Records of Tarrant County, Texas.

NOW THEREFORE, for adequate consideration, Lessor agrees with Current Lessee that the legal description of the Lands contained in, and covered by the Lease and the respective Memorandum are hereby amended to reflect the **131.0275** acres, more or less, as referenced hereinabove as the "Amended Lands."

The Lease, as amended, also covers and includes all other lands owned or claimed by the Lessor contiguous or adjacent to the Amended Lands. In all other respects, Lessor adopts, ratifies, and confirms all the terms of the Lease, as amended by this Amendment, and hereby leases, demises, and lets all of the Amended Lands to Current Lessee, subject to the terms and provisions of the Lease.

This Amendment shall extend to and be binding on the heirs, representatives, successors, and assigns of Lessor and Current Lessee.

This Amendment is signed by Lessor and Current Lessee as of the date of the acknowledgments of their signatures below, but is effective for all purposes as of the Effective Date stated above.

**LESSOR:**

CITY OF KELLER

By: D. D. & City of Kelley  
(Individually and in all Capacities for the above described Land)

Name: Jessica

Title: City Manager

#### **Corporate Acknowledgment**

**STATE OF TEXAS**

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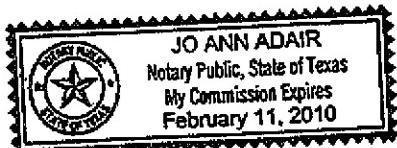
COUNTY OF TARRANT

3

The foregoing instrument was acknowledged before me, on this 7<sup>th</sup> day of  
April, 2009, by Dan O'Leary, City Manager,  
for and on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the day and year last above written.

**Notary Public in and for the State of Texas.**



Signature of Notary:

Jeanne Adair

Jo Ann Adair

(Print Name of Notary Here)

SEAL

My Commission Expires: 2-11-2010

**CURRENT LESSEE:**

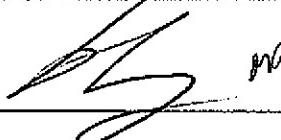
**DDJET LIMITED LLP**

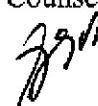
By: Chesapeake Exploration, LLC, an Oklahoma limited liability company,  
It's General Partner

By:

Name: Henry J. Hood

Title: Senior Vice President - Land and Legal & General Counsel

  
*Henry J. Hood*

  
*Henry J. Hood*

**Acknowledgment**

STATE OF OKLAHOMA §

§

COUNTY OF OKLAHOMA §

§

BEFORE me, the undersigned, a Notary Public in and for said County and State, on this 13 day of May, 2009, personally appeared Henry J. Hood, Senior Vice President - Land and Legal & Legal Counsel of **Chesapeake Exploration, L.L.C.**, an Oklahoma limited liability company, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such limited liability company, for the uses and purposes therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the day and year last above written.

Notary Public in and for the State of Oklahoma.

Signature of Notary: *Erin Clayton*

*Erin Clayton*  
(Print Name of Notary Here)

My Commission Expires: *5/3/11*

SEAL:

